IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. 20225-CII of 2005 and
C.R. No. 2790 of 2005

Date of decision: 09.10.2006

Kulwant Singh ...Petitioner

versus

Joginder Kaur and another ...Respondents

Coram: Hon'ble Mr. Justice Ajay Kumar Mittal

Present: Mr. Veneet sharma, Advocate,
for the petitioner.

Mr. D.P.S.Kahlon, Advocate,
for the respondents.

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Ajay Kumar Mittal,J.(Oral)

In this Revision Petition filed under Article 227 of the Constitution of India, the petitioner has prayed for setting aside order dated 29.3.2005 (Annexure P-9) passed by the Deputy Commissioner-cum-Election Tribunal, Amritsar, vide which the application filed by respondent No. 1 for getting her signatures compared has been allowed.

Notice of motion was issued and Mr. D.P.S.Kahlon, Advocate, has put in appearance for the respondents. Learned counsel for the petitioner has argued that before passing the impugned order dated 29.03.2005, notice of the application which was submitted by respondent No. 1 had not been issued to the petitioner and the non-issuance of the same has resulted into failure of justice because the petitioner could not bring to the notice of the Presiding Officer-cum- Deputy Commissioner-cum Election Tribunal that a similar application had already been dismissed by the Tribunal on 4.8.2004 and application for reviewing of this order had also been declined on 27.10.2004.

Learned counsel for the respondents states that he has no objection, in case the impugned order is set aside and the case is

remanded back to the Deputy Commissioner-cum-Election Tribunal, Amritsar for deciding the application afresh after affording proper opportunity to the petitioner. In view of the above, impugned order dated 29.03.2005 is set aside and the matter is remitted to the Presiding Officer-cum-Deputy Commissioner-cum-Election Tribunal for deciding the application filed by respondent No. 1 afresh after affording proper opportunity to the petitioner in accordance with law.

Petition stands disposed of.

(AJAY KUMAR MITTAL)
JUDGE

October 9, 2006
pj